



Western Economic
Diversification Canada

Diversification de l'économie
de l'Ouest Canada

Access to Information Act

**Western Economic Diversification Canada
Annual Report to Parliament
April 1, 2006 – March 31, 2007**

Canada

TABLE OF CONTENTS

	Page
Introduction	1
2006-2007 Highlights and Accomplishments	1
Access to Information and Privacy Unit	2
Access to Information and Privacy Delegation Order	3
Departmental Policies and Procedures	4
Access to Information Training and Awareness	5
2006-2007 Statistical Report on the <i>Access to Information Act</i>	6
Interpretation of the Statistical Report	7
a) Requests Received under the <i>Access to Information Act</i>	7
b) Trends of the Requests Received	7
c) Disposition of Requests Completed	8
d) Exemptions Invoked	8
e) Exclusions Cited	9
f) Extensions of Time Limited	9
g) Completion Time	9
h) Method of Access	10
i) Fees Collected and Waived	10
j) Costs and Organizational Changes	10
Complaints and Investigations	11
Appeals to the Court	11

Introduction

Western Economic Diversification Canada (WD) was established in 1987 to help lessen the West's (British Columbia, Alberta, Saskatchewan and Manitoba) economic dependence on natural resources. Under the *Western Economic Diversification Act, 1988*, the Department is mandated to "...promote the development and diversification of the economy of Western Canada and to advance the interests of Western Canada in national economic policy, program and project development and implementation."

To do this, WD organizes its programs and services to achieve the following strategic outcomes:

- policies and programs that support the development of Western Canada (policy, advocacy and coordination);
- economically viable communities in Western Canada with a high quality of life (community economic development); and
- a competitive and expanded business sector in Western Canada and a strengthened western Canadian innovation system (entrepreneurship and innovation).

WD's strategic investments in these areas will help to fulfill WD's vision of ***a stronger West, a stronger Canada.***

2006-2007 Highlights and Accomplishments

WD's number of Access to Information requests decreased by approximately one-third in the 2006-2007 fiscal year, down to 25 from 40 in the 2005-2006 fiscal year.

Five requestors submitted multiple requests to the Department in 2006-2007, accounting for 48 per cent of all requests received. These requestors came from different interest groups, including the: public, political party (2), consultants and media. Six requests (24 per cent) were for copies of minister's briefing materials; and five requests (20 per cent) concerned members of WD's Service Delivery Network, which includes Community Futures Development Corporations and Francophone Economic Development Organizations.

Additional copies of this report may be obtained from:

Access to Information and Privacy Coordinator
Western Economic Diversification Canada
Suite 1500, Canada Place
9700 Jasper Avenue N.W.
Edmonton, Alberta
T5J 4H7

Access to Information and Privacy Unit

Western Economic Diversification Canada

For the purposes of the *Access to Information Act*, the Minister delegated her powers, authorities and responsibilities to the Access to Information and Privacy Coordinator who is accountable for the development, coordination and implementation of effective policies, guidelines, systems and procedures to ensure the Minister's responsibilities under the *Act* are met and to enable appropriate processing and proper disclosure of information. The Coordinator is also responsible for related policies, systems and procedures emanating from the *Act*.

One full-time officer in the Corporate Administration unit assists the Coordinator with the Access to Information and Privacy function in WD. Additional support is provided by a consultant as required. Regional Access to Information and Privacy (ATIP) Liaison Officers are located in each regional office in B.C., Alberta, Saskatchewan and Manitoba, as well as the Ottawa Liaison Office. They are the regional contacts when retrieving records responding to ATIP requests.

The activities of WD's ATIP unit include:

- processing requests under the *Act*;
- representing WD in dealings with the Treasury Board of Canada Secretariat, the Information Commissioner and other government departments and agencies regarding the application of the *Act* as it relates to WD;
- responding to consultations submitted by other federal institutions on WD documents under consideration for release;
- preparing statistical and annual reports to Parliament and other statutory reporting requirements, as well as other material that may be required by central agencies;
- developing and maintaining policies, procedures and guidelines to ensure the *Act* is respected by departmental staff;
- promoting awareness of the *Act* within the Department to ensure responsiveness to the obligations imposed on the government; and
- monitoring departmental compliance with the *Act*, regulations and relevant procedures and policies.

Access to Information and Privacy Delegation Order

Access to Information and Privacy Act Delegation Order

Arrêté sur la délégation en vertu de la Loi sur l'accès à l'information et de la protection des renseignements personnels

The Minister of Western Economic Diversification, pursuant to section 73 of the *Access to Information Act* and the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis the position, to exercise the powers and functions of the Minister as the head of a government institution, under the section of the Act set out in the schedule opposite each position. This Designation Order supersedes all previous Designation Orders.

En vertu de l'article 73 de la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels*, le Ministre de la Diversification de l'économie de l'Ouest canadien délègue au titulaire du poste mentionné à l'annexe ci-après, ainsi qu'à la personne occupant à titre intérimaire ledit poste, les attributions dont il est, en qualité de responsable d'une institution fédérale, investi par les articles des *Lois* mentionnées en regard de chaque poste. Le présent décret de délégation remplace et annule tout décret antérieur.

Schedule / Annexe

Position / Poste	Access to Information Act and Regulations / Loi sur l'accès à l'information et règlements	Privacy Act and Regulations / Loi sur la protection des renseignements personnels et règlements
Director General, Corporate Services/Directeur Général, Services intégrés	Full authority / Autorité absolue	Full authority / Autorité absolue

Dated, at the City of Ottawa
this 29 day of February, 2007

Date, en la ville d'Ottawa
le jour de 2007

MINISTRE DE LA DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADIEN
L'HONORABLE RONA AMBROSE

THE HONOURABLE RONA AMBROSE
MINISTER OF WESTERN ECONOMIC DIVERSIFICATION

Delegation of powers, duties and functions delegated pursuant to Section 73 of the Access to Information Act Western Economic Diversification Canada		
Section	Description	Director General, Corporate Services
4(2.1)	Responsibility of head of government institution	X
7(a)	Notice where access is requested	X
8(1)	Transfer to and transfer from institution	X
9	Extension of time limits	X
11(2), (3), (4), (5) and (6)	Additional fees	X
12(2)	Language of access	X
12(3)	Access to record in alternative format	X
13	Denial of access – Information obtained in confidence	X
14	Denial of access – Federal-Provincial Affairs	X
15	Denial of access – International Affairs and Defence	X
16	Denial of access – Law enforcement and investigation	X
17	Denial of access – Safety of Individuals	X
18	Denial of access – Economic interests of Canada	X
19	Denial of access – Personal Information	X
20	Denial of access – Third party information	X
21	Denial of access – Advice	X
22	Denial of access – Testing procedures	X
22.1	Denial of access – Internal audits	
23	Denial of access – Solicitor-client privilege	X
24	Denial of access – Statutory prohibitions	X
25	Severance	X
26	Denial of access – Information to be published	X
27(1) and (4)	Third party notification	X
28(1), (2) and (4)	Third party notification	X
29(1)	Disclosure on recommendation of Information Commissioner	X
33	Advise Information Commissioner of third party involvement	X
35(2)	Right to make representations	X
37(4)	Access to be given to complainant	X
43(1)	Notice to third party of application to Federal Court for review	X
44(2)	Notice to applicant of application to Federal Court by third party	X
52(2) and (3)	Special rules for hearings	X
69	Denial of access – Cabinet confidences	X
71(2)	Exempt information severed from manuals	X

Departmental Policies and Procedures

The Department has updated many of its template letters to accommodate the changes to the *Access to Information Act* as a result of *Federal Accountability Act* on December 12, 2006, and advice provided by the Treasury Board Secretariat.

In March 2007, WD updated its internal ATIP Procedures Manual, primarily in the area of contact information. These updates were provided to the Regional ATIP Liaison Officers for their use.

WD continues to use the ATIP/flow database from Privasoft to manage WD's ATIP files, as the ATIP caseload for the department is small and there is no significant risk concerning the information in the system. The Department plans to review the various systems now available and will make a switch to a new system for the 2008-2009 fiscal year.

Access to Information Training and Awareness

During the fiscal year 2006-2007, one WD officer attended the national ATIP Conference held in Edmonton, Alberta.

The ATIP Officer provided briefings for two new Regional ATIP Liaison Officers (RALOs) on the departmental ATIP processes in March 2007. The office regularly discusses ATIP issues with RALOs and departmental subject aspects to increase awareness of the *Act*, and how the department processes requests and applies the exemptions and exclusions where appropriate. In addition, the ATIP unit provides information and guidance to other business areas within the Department where Access to Information legislation impacts contracting and information management on an ongoing basis.

WD also developed a new brochure on Protecting and Handling Information, which has been made available to all staff both in hard copy format and on into internal intranet website. The brochure utilizes examples, based on records relevant to the Department and the sections of the *Act*, to help identify proper classification of the records.

2006-2007 Statistical Report on the Access to Information Act



Government of Canada

Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Initiative:

WESTERN ECONOMIC DIVERSIFICATION CANADA
DIVERSIFICATION DE L'ÉCONOMIE DE L'OUEST CANADA

Reporting period: Période visée par le rapport

4/1/2006 to 3/31/2007

Section	Media Médias	Academic Sector universitaire	Business Sector commercial	Organization Organisme	Public
	7	0	6	5	7
I Requests under the Access to Information Act Demandes en vertu de la Loi sur l'accès à l'information					
Received during reporting period Reçues pendant la période visée par le rapport	25	1		3	4
Unresolved from previous period En suspens depuis la période antérieure	8	2		16	1
TOTAL	33	3		2	0
Completed during reporting period Traitées pendant la période visée par le rapport	27	4		0	
Delayed/Transit Reportées	6	5		1	27
II Disposition of requests completed Disposition à l'égard des demandes traitées					
As disclosed Communication totale					
Classified in part Communication partielle					
Nothing disclosed (excluded) Aucune communication (exclusion)					
Nothing disclosed (exempt) Aucune communication (exemption)					
Transferred Transférée					
III Completed/As Disclosed Traitées/Communication totale					
As disclosed Communication totale	0	0	0	0	9
Classified in part Communication partielle	0	0	0	0	9
Nothing disclosed (excluded) Aucune communication (exclusion)	2	0	0	0	5
Nothing disclosed (exempt) Aucune communication (exemption)	0	0	0	12	0
Transferred Transférée	8	0	0	0	1
As disclosed Communication totale	0	0	0	5	4
Classified in part Communication partielle	0	0	0	4	0
Nothing disclosed (excluded) Aucune communication (exclusion)	0	0	0	3	1
Nothing disclosed (exempt) Aucune communication (exemption)	0	0	0	0	0
Transferred Transférée	0	0	0	0	0
IV Timeliness Délais de traitement					
As disclosed Communication totale	2	0	0	0	14
Classified in part Communication partielle	0	0	0	3	6
Nothing disclosed (excluded) Aucune communication (exclusion)	0	0	0	5	5
Nothing disclosed (exempt) Aucune communication (exemption)	1	0	0	0	2
Transferred Transférée	0	0	0	7	0
V Completion time Délai de traitement					
As disclosed Communication totale	0	0	0	0	14
Classified in part Communication partielle	0	0	0	3	6
Nothing disclosed (excluded) Aucune communication (exclusion)	0	0	0	5	5
Nothing disclosed (exempt) Aucune communication (exemption)	1	0	0	0	2
Transferred Transférée	0	0	0	7	0
VI Timeliness Délais de traitement					
As disclosed Communication totale	0	2	0	0	14
Classified in part Communication partielle	3	2	0	3	6
Nothing disclosed (excluded) Aucune communication (exclusion)	1	7	0	5	5
Nothing disclosed (exempt) Aucune communication (exemption)	4	11	0	0	2
Transferred Transférée	0	0	0	7	0
VII Timeliness Délais de traitement					
As disclosed Communication totale	0	2	0	0	14
Classified in part Communication partielle	3	2	0	3	6
Nothing disclosed (excluded) Aucune communication (exclusion)	1	7	0	5	5
Nothing disclosed (exempt) Aucune communication (exemption)	4	11	0	0	2
Transferred Transférée	0	0	0	7	0
VIII Method of access Méthode de communication					
As disclosed Communication totale	0	2	0	0	14
Classified in part Communication partielle	3	2	0	3	6
Nothing disclosed (excluded) Aucune communication (exclusion)	1	7	0	5	5
Nothing disclosed (exempt) Aucune communication (exemption)	4	11	0	0	2
Transferred Transférée	0	0	0	7	0
IX Cost Coût					
As disclosed Communication totale	\$120.00	\$0.00	\$0.00	\$0.00	\$0.00
Classified in part Communication partielle	\$337.00	\$0.00	\$0.00	\$0.00	\$0.00
Nothing disclosed (excluded) Aucune communication (exclusion)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Nothing disclosed (exempt) Aucune communication (exemption)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Transferred Transférée	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
X Cost Coût					
As disclosed Communication totale	\$120.00	\$0.00	\$0.00	\$0.00	\$0.00
Classified in part Communication partielle	\$337.00	\$0.00	\$0.00	\$0.00	\$0.00
Nothing disclosed (excluded) Aucune communication (exclusion)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Nothing disclosed (exempt) Aucune communication (exemption)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Transferred Transférée	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Interpretation of the Statistical Report

a) Requests Received Under the *Access to Information Act*

Between April 1, 2006, and March 31, 2007, WD received 25 requests for information under the *Access to Information Act*. This is a reduction of 37.5 per cent in the number of requests received in 2005-2006. In total, 27 were completed during the reporting period. It should be noted that eight (8) requests were outstanding from the previous fiscal year, and six (6) requests were carried forward into the 2007-2008 fiscal year.

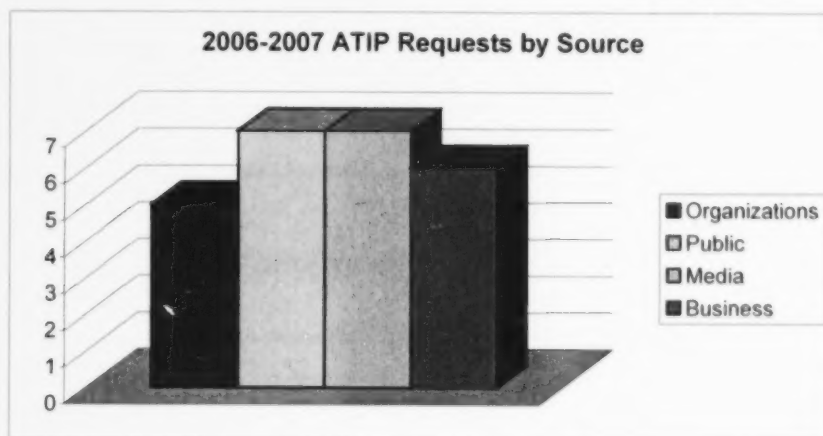
WD also received 27 Access to Information consultations from other departments, down from 44 in 2005-2006, as well as one (1) informal request.

b) Trends of the Requests Received

The breakdown of the requests received during the 2006-2007 fiscal year is as follows:

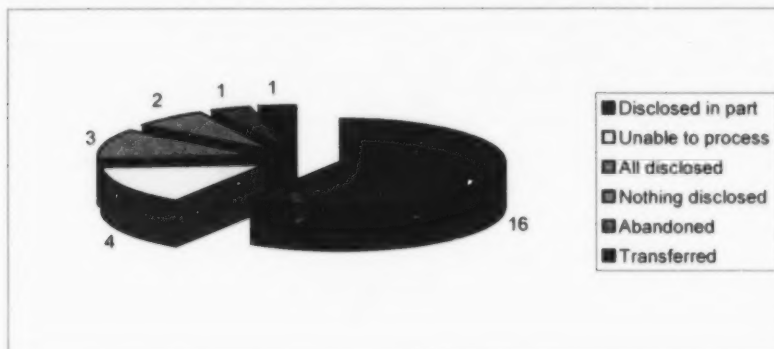
- seven (7) or 28 per cent each from the public and media;
- six (6) or 24 per cent from business, which includes business (1), consultants (4) and lawyers (1); and
- five (5) or 20 per cent from organizations, which were all from political parties.

By comparison, in 2005-2006 the majority of requests were received from the public sector (37.5 per cent), followed closely by business (35 per cent).



c) Disposition of Requests Completed

In 2006-2007, WD completed 27 requests. The breakdown of the disposition is as follows:

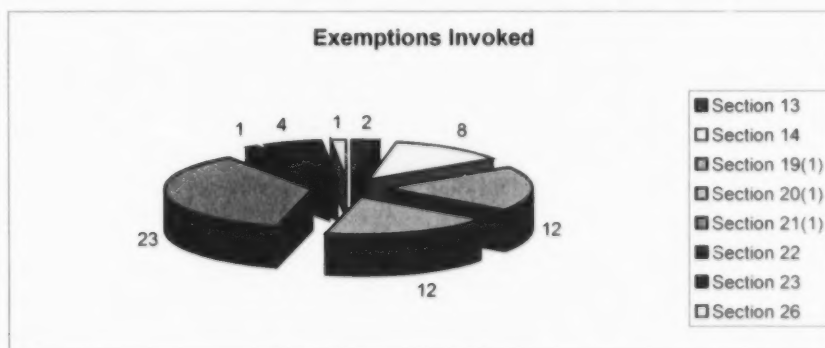


d) Exemptions Invoked

This section of the Statistical Report identifies the number of requests where specific types of exemptions were invoked to deny access. For example, if in processing a request, five different exemptions were applied by WD, one exemption under each relevant section would be reported for a total of five. If the same exemption is claimed several times for the same request, it is reported only once.

WD invoked exemptions under Sections 13, 14, 19, 20, 21, 22, 23 and 26 of the *Act*.

Subsection 21(1) was the provision most commonly invoked to withhold information concerning operations of government. In part, these exemptions are not unexpected when taking into consideration the number of requests processed concerning briefing materials for the minister. Subsections 19(1) – personal information and 20(1) – third party information were also commonly used to withhold information.



Further to the request for additional information on exemptions and exclusions applied under the *Access to Information Act* in Implementation Report No. 106, WD statistics are as follows:

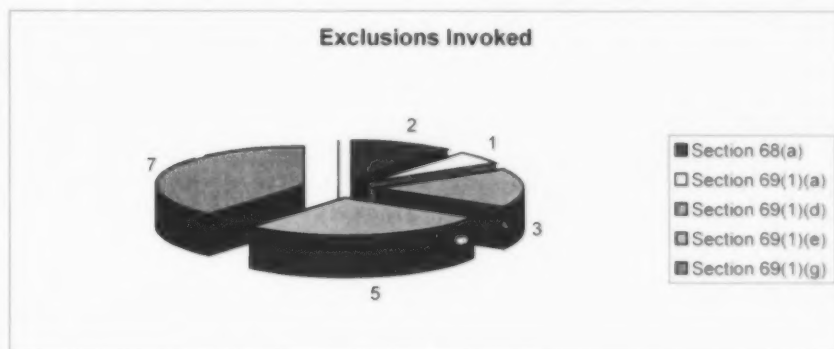
- Subsection 13(e) – WD did not invoke this exemption concerning information obtained in confidence from an Aboriginal government.

- Section 14, subsection (a) – WD invoked this exemption concerning federal/provincial consultations or deliberations on five (5) requests.
- Section 14, subsection (b) – WD invoked this exemption concerning conduct of federal/provincial affairs on three (3) requests.
- Subsection 69.1 – WD did not invoke this exclusion concerning the *Canada Evidence Act*.

e) Exclusions Cited

The *Act* does not apply to confidences of the Queen's Privy Council pursuant to Section 69.

During this reporting period, Section 68 was invoked twice (2), and Section 69 was invoked on 16 occasions. There is a direct correlation of the use of Section 69 with the number of requests for the minister's briefing materials.

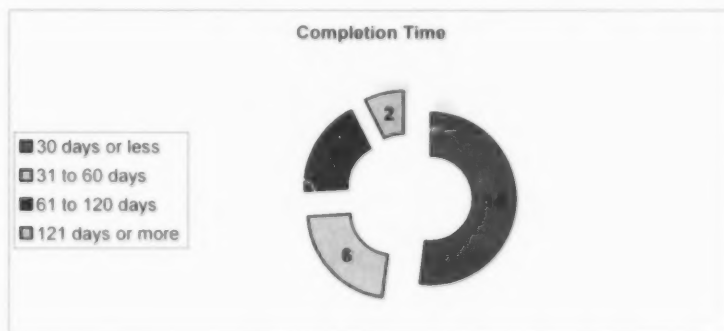


f) Extensions of Time Limits

Section 9 of the *Act* provides for the extension of the statutory time limits if consultations are necessary or the request is for a large volume of records and processing the request within the original time limit would unreasonably interfere with the operations of the Department.

During this reporting period, four (4) requests were extended for 30 days or less, and 11 requests required an extension for more than 30 days.

g) Completion Time



h) Method of Access

Access to the relevant documents was given, in whole or in part, for 19 requests. On six (6) occasions, the requestor chose to come into the office and examined the material before taking any copies.

i) Fees

The fees collected during the reporting period totalled \$457. During the same period, WD waived fees totalling of \$151.40, primarily for photocopying fees less than \$25 or where documents were viewed.

j) Costs and Organizational Changes

Total salary costs associated with the *Access to Information Act* are estimated at \$64,751 for 2006-2007. Other administrative costs amounted to \$22,582, for a total of \$87,333. The reduced number of requests received by the department directly affected this decrease in costs from the 2005-2006 fiscal year, which were down by 37.5 per cent.

The associated employee resources for 2006-2007 are fixed at 1.23 full-time equivalent (FTE) for administering the *Act*.

Complaints and Investigations

In 2006-2007, WD received six (6) complaints pursuant to the *Act* and two (2) complaints were carried over from the 2003-2004 and 2004-2005 fiscal years. Of these eight complaints, five complaints were from the same requestor concerning the Manitoba Red River Floodway; the Office of the Information Commissioner of Canada has closed all five of these complaints.

Two (2) complaints have been carried over to 2007-2008. Both complaints are related in whole or part to a Community Futures Development Corporation.

Appeals to the Court

WD received a request under the *Access to Information Act* for records pertaining to the 44 financial assistance contributions totaling \$11,126,414 that were written-off by the Minister in 2002-2003. One of the third parties involved, Washtronics Ltd., objected to the disclosure of any of their information submitted to the Department and applied for a judicial review to the Federal Court of Canada in accordance with Section 44 of the *Act* in the 2003-2004 reporting period. The applicant discontinued the action in May 2005; however, this information was not reported in WD's 2005-2006 Annual Report.